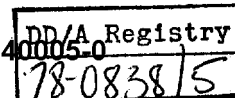


CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505



CRC, 10/24/2003

12 MAY 1978

DD/A Registry  
File Reports

Honorable Richardson Preyer, Chairman  
Subcommittee on Government Information  
and Individual Rights  
Committee on Government Operations  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your comments of 24 April 1978 on our report on the CIA's administration of the Freedom of Information Act during 1977. I am pleased that your impression of our handling of FOIA requests is a favorable one.

I share your concern about the growing backlog of FOIA and Privacy Act requests in our Agency and some weeks ago directed that a systems analysis be conducted to determine whether a more efficient way of handling these requests might be developed. That study is currently underway and I will not have its results for several months. The GAO review of the FBI's program which you provided will be of considerable use to us in our analysis of our own FOIA program, and I thank you for sending it. I assure you that if ways can be found to reduce the backlog, they will be employed with enthusiasm. It will be difficult, however, for us to consider any program changes which would significantly increase the amount of manpower already allocated to these tasks, particularly at a time when the Agency is under pressure to further reduce its size. As noted in my letter of 1 March 1978 which transmitted our 1977 report, we are employing the equivalent of 109 full-time employees on the FOIA/Privacy Act process, a larger allocation than that of 1976. With these resources we are able to complete about 65 cases each week, but the flood of requests shows no sign of abating and our production represents only about two-thirds of our new requests, so the backlog continues to grow. Any additional allocation of resources would be at the expense of essential intelligence activities and would have to be approved by our House and Senate oversight committees.



DDA REGISTRY BACKGROUND

As I said in my March letter, we continue to make every effort to comply fully with the letter of the FOI Act. Our concern grows, however, that the U.S. public is not being well served by the fact that CIA documents are releasable, in whole or in part, under the Act. You will recall, perhaps, the furor caused by the publication of a pro-Palestinian group of a raw intelligence report which claimed that the Israeli Government had intentionally attacked a U.S. Navy vessel during the 1967 Arab-Israeli war. Under FOIA we could not withhold the document, even though we knew it to be inaccurate. Release and publication of fragmentary information does our nation a disservice, but frequently fragments are all we can release without revealing intelligence sources or methods, properly protected by other statute.

Even when publication does not occur, we find that a great deal of our review effort goes into the line-by-line, even word-by-word review of requested documents to delete information which must be protected. The result is frequently a "lace-doily document," of no practical use to the requester. The product of all this painful, costly effort has little informational value, and as taxpayers ourselves we question whether the work is worth the millions being spent. In this regard, it is worth noting that judicial review has consistently upheld our collective judgments to exempt specific information from release.

Our problems with the FOIA have caused us to ask whether amendments can be made to provide broader exemptions for intelligence material, particularly raw reports and operational data. We have also asked whether the benefits of the Act should be available only to U.S. citizens and resident aliens, whether the mandatory response time should be lengthened to provide more realistic target dates, whether agencies should be permitted to charge requesters for time spent reviewing documents for segregable release material, and whether requests should be limited to one specific subject rather than permitting blanket requests covering a variety of topics.

In your letter you express concern about use of the (b)(7) exemption more frequently in appeal cases than in initial responses. We use (b)(7) at the request of the FBI on FBI information in CIA documents. There are several reasons why this can happen more frequently on appeals. Detailed research on appeals, sometimes supported by additional information in the appellant's letter, can uncover documents not

located during initial search. It is also possible that some of our 13 "excess" (b)(7)'s involved FBI data not referred to the Bureau during initial processing (because protection under (b)(3) seemed adequate) or not discovered to be of FBI origin until the appeal review.

We would welcome the opportunity to discuss these and related problems with members of the subcommittee staff. Our Office of Legislative Counsel can put your staff director in touch with my Assistant for Information or with the Chief of our Information and Privacy Staff.

Respectfully,

/s/ John F. Blake

John F. Blake  
Deputy Director  
for  
Administration

cc: Senate Select Committee on Intelligence  
House Permanent Select Committee on Intelligence

STATINTL AI/DDA: [redacted] ydc (11 May 1978)

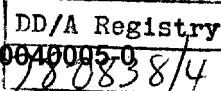
Distribution:

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1 - OLC  
1 - IPS  
✓ 1 - DDA Subject  
1 - DDA Chrono  
1 - AI Chrono

STATINTL

ADMINISTRATIVE - INTERNAL USE ONLY


SPEED LETTER		REPLY REQUESTED		DATE
		YES	NO	3 May 1978
TO : <input type="text"/> , AI/DDA		FROM: <input type="text"/> , DDO/IRO <i>mo</i>		LETTER NO.
ATTN:		STATINTL		
<p>SUBJECT: Letter to DDA from Congressman Richardson Preyer 24/4/78</p> <p>1. I appreciate the opportunity to see and to comment on Congressman Preyer's letter of 24 April 1978 to the DDA on the Agency's annual report concerning compliance with the disclosure statutes.</p> <p>2. C/IMS and I share the thought that your draft could, from this Directorate's viewpoint, usefully include these points:</p> <p>a. A more forceful presentation of the man-power figure with the possible addition of the comment that the most directly concerned Agency element, the Directorate of Operations, simply cannot divert more personnel from its basic mission;</p> <p>b. "I (DDA) welcome the opportunity to have knowledgeable Agency personnel work with subcommittee staff to discuss backlog problems, as you suggest, and to examine the issues, many unique to intelligence organizations (or "this Agency"), that create delays, backlogs, misunderstandings and even litigation."</p> <p style="text-align: right;">_____ SIGNATURE</p>				
REPLY			DATE	
<p>3. With regard to point "b" the Agency can, we think, gain something by putting FOIA-PA conversant personnel in direct touch (as cover permits) with staffers of the subcommittee. That something may be only a better understanding of the Agency's uniquely difficult situation with regard to disclosure.</p> <p>4. I am perfectly willing to assist in representing the Directorate's position to subcommittee staff members should our point "b" (which we know must pass through a number of hands) be accepted.</p>				
ADMINISTRATIVE - INTERNAL USE ONLY				
Approved For Release 2004/01/15 : CIA-RDP81-00142R000600040005-0				
RETURN TO ORIGINATOR				



01 MAY 1978

STATINTL

MEMORANDUM FOR: Assistant for Information, DDA

FROM :   
Chief, Information and Privacy Staff

SUBJECT : Response to Representative  
Preyer's 24 April 1978 Letter

1. It has been the Agency's policy that we have gone as far as we can go in terms of manpower allocation. At the present time, we are allocating the equivalent of 100 to 110 man-weeks, each week. With this allocation, we have the capability to complete about 65 cases per week, about 66% of the incoming requests. We complete about 1.5 appeals (about 40% of the appeals received), and we are able to maintain our defense in court. We could speed up the process with some centralization and some reduction in the number of review levels; however, this would be less secure and it is not recommended. We could increase the resources, as was done by the Department of Justice, which expended \$13 to \$15 million last year, but such a reallocation of money would be at the expense of essential intelligence activities. Therefore, I would recommend we continue as we are with the present allocation unless congressional pressure becomes so intense that we must present FOIA as an expensive line item in the budget and negotiate with Congress and OMB accordingly.

2. With regard to the concern expressed by Representative Preyer over our (b)(7) exemption at the appeal level, this is a result of utilizing (b)(3) in initial denials on CIA documents and citing (b)(7) on behalf of the FBI information contained therein later at the appeal level.



STATINTL

Distribution:  
Orig. - Addee

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Response to Representative Preyer's 24 April 1978 Letter

FROM: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span> STATINTL Chief, Information and Privacy Staff	EXTENSION	NO.
		DATE
		1 May 1978

TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. AI/DDA 7D02 Hqs. (BX-4)	1 MAY 1978			
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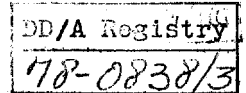
RICHARDSON PREYER, N.C., CHAIRMAN  
LEO J. RYAN, CALIF.  
JOHN E. MOSS, CALIF.  
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PAUL N. McCLOSKEY, JR., CALIF.  
DAN QUAYLE, IND.  
JOHN N. ERLENBORN, ILL.

225-3741

NINETY-FIFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS  
SUBCOMMITTEE  
OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS  
RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C  
WASHINGTON, D.C. 20515



April 24, 1978

Mr. John F. Blake  
Deputy Director for Administration  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Blake:

I have reviewed your March 1, 1978 report on the Central Intelligence Agency's administration of the Freedom of Information Act during calendar year 1977.

On the whole, my impression of the CIA's handling of Privacy and Freedom of Information Act requests has been quite favorable. The CIA appears to have allocated a reasonable number of personnel to comply with the requirements of the Acts, and more readily than many federal departments, has provided each requester with a fair description of withheld documents and citation to a specific legal exemption justifying each withholding.

I have become increasingly concerned, however, about the growing backlog of FOI and Privacy Act requests at the CIA. I understand that the waiting time for an appeal of an initial denial may take over six months. I am sympathetic to the manpower requirements you refer to in your annual report. Nonetheless, I would urge you to re-examine the situation. I would request that you consult with our subcommittee, and that over the next three months you begin to formulate a program to reduce the current backlog of pending document requests. In this regard, you may find of interest the enclosed General Accounting Office review of the Federal Bureau of Investigation's efforts to comply with federal access laws, which was requested by the subcommittee.

The subcommittee staff would be happy to meet with you or your representatives to discuss this matter and work together on a plan to alleviate the processing backlog.

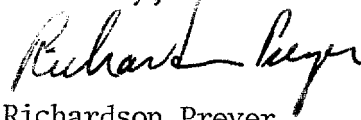
Mr. John F. Blake  
April 24, 1978

Page Two

I also note in your annual FOIA report that the b(7) exemption for investigatory files was cited as the reason for denial on appeal in a number of instances where the exemption had not been cited as the reason for denial of the initial request. I would suggest that you examine the appropriateness of these decisions, particularly in light of the Weissman v. CIA decision.

Thank you for your cooperation and your attention to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richardson Preyer", written in a cursive style.

Richardson Preyer  
Chairman



STATINTL

	UNCLASSIFIED		CONFIDENTIAL		SECRET
<b>OFFICIAL ROUTING SLIP</b>					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>		5/12	<i>[Signature]</i>	
2	MR. MALANICK		12 MAY 1978	<i>[Signature]</i>	
3	MR. BLAKE		12 MAY 1978	<i>[Signature]</i>	
4					
5					
6	<i>DW. 4</i>				
	ACTION		DIRECT REPLY	PREPARE REPLY	
	APPROVAL		DISPATCH	RECOMMENDATION	
	COMMENT		FILE	RETURN	
	CONCURRENCE		INFORMATION	SIGNATURE	
<b>Remarks:</b> Attached for DDA signature is a proposed response to Congressman Preyer on his comments on our 1977 FOIA report. It has been informally coordinated with OLC which agrees that copies should go to the two oversight committees. I am not certain whether <div style="border: 1px solid black; width: 100px; height: 20px;"></div> has seen it, but he will have a chance to look at it on its way through OLC to Congress. His staff had no problem with it.					
STATINTL <div style="border: 1px solid black; width: 200px; height: 60px; display: inline-block; vertical-align: middle;"></div>					
<b>FOLD HERE TO RETURN TO SENDER</b>					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
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